THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) to (c) A discharged officer cannot exercise the powers of that post after his discharge. Hence after an officer is discharged, he cannot legally charge-sheet his ex-subordinate employee for any mis-conduct.

Promotion of promotee Section Officers

869. SHRI BRATIN SENGUPTA: Will the PRIME MINISTER be pleased to state:

(a) whether Direct Recruit Section Officers of CSS are still being promoted as Under Secretary on their becoming eligible while promotee Section Officers with much longer years of service have to wait for their turn;

(b) the factual position in this behalf;

(c) whether the direct recruits are still being allowed anti-dated seniority by virtue of their appointment against the confirmed post, if so, whether this procedure has since been done away with; if not, the reasons therefor;

(d) till when this situtation is likely to continue; and

(e) the measures taken by Government so far, for resolving this anomaly?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) Yes, Sir.

(b) to (e) According to the relevant provisions of the Central Secretariat Service (CSS) Rules, 1962 and regulations issued there-under (as they stood immediately prior to 24.02.1999), the Direct Recruit (DR) Section Officers (SOs) and SOs who were promoted to the grade on regular basis against substantive vacancies were assigned *inter se* seniority according to the quotas of substantive vacancies in the grade reserved for direct recruitment and promotion respectively. While the DR Section Officers were initially appointed against substantive vacancies, the promotees on the other hand, before thier appointment against substantive vacancies, used to render a number of years of service against regular and temporary vacancies, which did not qualify for seniority purposes. Since *inter-se* senioirity in the grade was determined on the basis of apointment against substantive vacancies only, the DR Section Officers got the benefit of seniorityvis-a-vis promotee Section Officers. The Government for resolving this anomaly has made suitable amendments in the CSS Rules regarding delinking of confirmation from availability of permanent posts, and the same were notified on 24.2.1999 and made applicable prospectively.